



**SDMS Doc ID 2014222**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

2014222

OCT 28 2003

James G. Stull  
Continental Heat Treating, Inc.  
Continental Heat Treating, Inc. for Continental Heat Treating  
10643 Norwalk Boulevard  
Santa Fe Springs, CA 90670-3821

Re: Omega Chemical Superfund Site  
12504-12512 E. Whittier Blvd., Whittier, California  
**De Minimis Notice Letter**

Dear James G. Stull:

The United States Environmental Protection Agency ("EPA") is currently working to clean up the Omega Chemical Superfund Site (the "Site"), a Superfund site located in Whittier, California. Superfund is a federal program administered by the EPA. The Superfund program is designed to clean up hazardous substances ("wastes") that may pose a threat to human health or the environment. Under the Superfund program, EPA has the authority to take actions at sites such as this Site to protect public health, welfare, and the environment. In addition, this law permits EPA to request that parties who are responsible for the waste pay to clean up the Site.

The person or entity identified above, or a predecessor (collectively referred to in this letter as "your company or organization"), was named as the generator of the wastes on one or more manifests for hazardous wastes disposed of at the Site. This letter is intended to provide your company or organization with preliminary information about an upcoming opportunity to settle the liability for disposal of this waste, as well as some background about the Site and the efforts that have been taken to clean it up. In the spring of 2004, EPA will host an informational meeting in the Los Angeles area to discuss the Site. EPA will notify you of the meeting's specific date and time in the near future.

**The Omega Chemical Superfund Site**

The Site is a former refrigerant/solvent recycling operation in Whittier, California. During a Site Assessment in 1995, EPA observed in excess of 3,000 drums at the Site in various stages of

deterioration. Data gathered in 1988 and 1995 also indicated the presence of hazardous substances including but not limited to methylene chloride, tetrachloroethylene, trichloroethylene, and Freon 11 and 113, in the subsurface soils and groundwater at the Site. On May 3, 1995, EPA issued an Action Memorandum authorizing actions necessary to abate imminent and substantial endangerments at the Site, including securing the Site, conducting sampling, removing grossly contaminated equipment, structures, and debris, removing containerized wastes and disposing, stabilizing or treating grossly contaminated soils.

On May 9, 1995 and August 31, 1995, EPA issued Unilateral Administrative Orders ("UAO") to approximately 170 major generator potentially responsible parties (PRPs), all of whom sent 10 tons or greater of hazardous materials to the Site, to perform removal activities at the Site. These major contributing parties thereafter formed a workgroup called the Omega Chemical Site PRP Organized Group or "OPOG" and completed removal activities as required. In September 1998, EPA proposed the Site for listing on the National Priorities List ("NPL"). The Site was placed on the NPL on January 19, 1999.

Currently, the approximately 110 members within OPOG are performing work under a Partial Consent Decree which was entered by the District Court on February 28, 2001. Under this agreement, the Settling Defendants agreed to pay a portion of past costs and perform the following work at the Site:

- 1) implementation of a Remedial Investigation / Feasibility Study ("RI/FS") for contamination in the vadose zone within the "Phase 1A area" of the Site (the Phase 1A area means the area of soil and groundwater contamination associated with the Omega Chemical Corporation property, encompassing approximately one acre, located at 12504 and 12512 Whittier Boulevard and extending downgradient approximately 100 feet southwest of Putnam Street);
- 2) performance of an Engineering Evaluation and Cost Analysis ("EE/CA") addressing groundwater contamination in the Phase 1A area;
- 3) implementation of the response action selected in EPA's Action Memorandum at the conclusion of the EE/CA;
- 4) performance of a risk assessment within the Phase 1A area; and
- 5) installation of up to three groundwater monitoring wells at locations downgradient of the Phase 1A area and upgradient of the City of Santa Fe Springs water supply well.

In addition, EPA has been conducting a Fund-lead groundwater RI southwest (downgradient) of the "Phase 1A" area. In the future, EPA anticipates combining the Fund-lead groundwater RI and the PRP-lead groundwater EE/CA into one FS. At the conclusion of the FS, a Site-wide remedy will be proposed and selected.

In August 2002, EPA issued General Notice Letters to approximately 100 additional major generator PRPs, all of whom sent 10 tons or greater of hazardous materials to the Site. EPA has encouraged these PRPs to initiate dialogue with OPOG concerning joining the established workgroup. EPA will amend the existing Partial Consent Decree to include any parties which join the established group.

### **Potentially Responsible Parties**

Those parties who may be responsible for the waste at Superfund sites are referred to as "potentially responsible parties" or "PRPs". PRPs include individuals, businesses, governmental agencies, and other types of organizations. You may be a PRP if you are:

- 1) a current owner or operator of the Site;
- 2) the former owner or operator of the Site during the period of waste disposal;
- 3) a party that arranged for the treatment, disposal, or transportation of hazardous substances to the Site (a "generator"); or
- 4) a party that selected the Site as a place to dispose of hazardous substances and who transported these substances to the Site (referred to as "transporters").

The parties receiving this letter are all believed to be "generators" of wastes disposed at the Site, and therefore "potentially responsible parties" at the Site.

### **Selecting a Primary Contact to Receive Future Correspondence**

EPA is preparing a package of information that will include a settlement offer in regard to your company or organization's potential liability at the Site. The settlement offer is discussed in further detail later in this letter. EPA will send this package to the person you identify on the enclosed Primary Contact Designation Form. It is anticipated that this package will be issued by EPA in the early part of 2004.

Please use the enclosed form to designate the most appropriate individual to receive all further correspondence on this matter on behalf of your company or organization. Due to the large number of parties receiving this letter, EPA can only send future correspondence and materials to the one contact per company or organization designated on the form. We request that you mail us the completed form within ten (10) days of your receipt of this letter, using the enclosed postage-paid envelope. We will continue to send future correspondence to you until we receive the form.

### **"De Minimis" Settlements**

EPA has designated parties who contributed less than 10 tons of waste to the Site, including all of the parties receiving this letter, as "de minimis" waste generators. These parties are termed de minimis parties because the amount of waste each of these parties contributed to the Site is small compared to the amount of waste contributed by the approximately 210 "major" waste generators. Under Superfund, EPA may offer special settlements to de minimis PRPs, which provide benefits to settling parties. Through a de minimis settlement, you may receive:

1. "Covenant Not to Sue" - This is a promise that the EPA will not bring any future legal actions against you regarding the specific matters addressed in the settlement.
2. "Contribution Protection" - This offers you protection from being held liable to other PRPs at the Site under CERCLA. Sometimes, major waste contributors will sue many small waste contributors to recover cleanup costs. A de minimis settlement provides protection from such suits that extends to all issues addressed in the settlement.

The amount a de minimis settlor may pay as part of the settlement varies from site to site. In general, the payment amount is the sum of a basic payment and a premium amount to address the risk that the cleanup cost may exceed the estimate. The basic payment is calculated using the estimated cost to clean up the Site and the amount of the de minimis party's waste. The premium payment varies according to a variety of factors specific to both the site and the settlement.

Taken together, contribution protection, the covenant not to sue, and other de minimis settlement terms can provide settlers with a high level of certainty that they are protected from future legal actions related to the matters addressed in the settlement.

## **OPOG Action**

In the near future, you may receive a notice letter from OPOG, the established working group, regarding a lawsuit to be filed against you by OPOG. Within that lawsuit, OPOG will demand that you as a contributor of waste found at the Omega Site, pay your proportionate share of the cleanup costs. Under CERCLA Section 113(f), 42 U.S.C. §9613(f), liable parties may seek a contribution of money from other potentially liable parties to share in the cost of the cleanup. OPOG has three years from the date of the entered Partial Consent Decree or until February 28, 2004, to file such a claim against other potentially responsible parties unless the parties agree to extend this timeframe.

Also within this notice letter, OPOG will ask you to sign a Tolling Agreement with OPOG. If you decide to sign the Tolling Agreement, you will be agreeing to extend the amount of time within which OPOG may file a lawsuit against you as a potentially liable party at the Site. EPA highly encourages you to consider signing the Tolling Agreement with OPOG in order to allow you an opportunity to review EPA's settlement offer outside of litigation. If you decide not to sign the Tolling Agreement and OPOG does file its lawsuit, this will not in anyway relieve you of any liability which you may have to the EPA. Moreover, once OPOG files its lawsuit against you, a later settlement with EPA may not relieve your obligation to defend that lawsuit. However, if you decide to sign the Tolling Agreement and then enter into a de minimis settlement with EPA, you will receive contribution protection, that is protection from lawsuits filed by other potentially liable parties including OPOG, under CERCLA.

## **A Settlement Offer Will be Mailed to You or Your Primary Contact**

The package we will send to your Primary Contact in early 2004 will include an offer to settle your company or organization's potential liability at the Site. Your company or organization's cost to join the settlement will be explained, as well as EPA's assessment of the volume of waste attributable to your company or organization. The settlement will take the form of an Administrative Order on Consent, pursuant to CERCLA Section 122(g)(4), 42 U.S.C. § 9622(g)(4). A copy of the proposed Administrative Order on Consent will be included in the package.

The Administrative Order on Consent will become final after a public notice and comment period and approval by the U.S. Attorney General. Once the Administrative Order on Consent is final, and the EPA has received all of the settlement payments, the participating companies and organizations will receive the important benefits previously described in this letter. The terms

of the settlement and the steps in the settlement process will be more fully explained in the package we will be sending to your Primary Contact.

Your company or organization will have sixty (60) days from its receipt of the package to review the offer and return a signature page demonstrating its willingness to settle its CERCLA liabilities for the Site. If your company or organization agrees to join the settlement in principle, but either (i) believes that paying the total settlement amount would cause undue financial hardship and/or, (ii) that the total volume of waste EPA attributes to it is incorrect, you will have the opportunity to request that EPA evaluate your ability to pay the settlement amount and/or to review the volume assessment. Further information about both the financial review process and the volume review process will be provided in the package with the settlement offer. If your company or organization wishes to request a financial and/or volume review, such request (along with all required documents and forms) and the executed signature page must be submitted to EPA within sixty (60) days from receipt of the settlement offer package.

A **Manifest Summary** that lists each waste manifest for your company or organization and the volume for each manifest is included as Attachment A. Copies of manifests will be mailed to you as part of the Settlement Package in the early part of 2004.

We expect that the package we will be sending to your Primary Contact will answer most, if not all, of your questions. However, **EPA has also established a special telephone number and an e-mail address for any interim questions your company or organization may have about this de minimis settlement process.** We have also established internet web pages on the U.S. EPA Region IX web site to provide further information about this de minimis settlement and the Omega Site, which may be located as the Omega Site Overview at:

**<http://yosemite.epa.gov/r9/sfund/overview.nsf>**

The telephone number and e-mail address, as well as the address and telephone number of the information repository near the Site, are provided below.

**Further Information about the Omega Site & the De Minimis Settlement**

EPA encourages you to become more familiar with the Site by reading the enclosed fact sheet. Once we receive your Primary Contact Designation Form, EPA will send the person you designate all of the remaining information your company or organization will need about the upcoming de minimis settlement for the Site.

Copies of site-related documents are located at EPA's Regional Office in San Francisco and at the information repository listed below:

Superfund Records Center  
95 Hawthorne Street (4<sup>th</sup> Floor)  
San Francisco, CA 94105  
Ph: (415) 536-2000

Whittier Public Library  
7344 S. Washington Avenue  
Whittier, CA 90602  
Ph: 562-464-3450

If you have any questions concerning this letter, you may call the following special telephone number we have set up for de minimis parties:

**1-888-635-1524**

You may also send questions by e-mail to the following address:

**[omega@epa.gov](mailto:omega@epa.gov)**

If you include a brief description of your inquiry in the "subject" field of your e-mail, it will help us direct it to the most appropriate person to provide a prompt response. Due to the large number of parties receiving this letter, we may not be able to respond to your telephone or e-mail inquiries immediately, but we promise to make every effort to respond as quickly as we can.

We have enclosed a list of the names and addresses of all PRPs who have received this letter. It is important to note that this list is preliminary and may be modified by EPA at any time.

For your information, enclosed is an information sheet intended to inform small businesses of their rights under the Small Business Regulatory Enforcement Fairness Act (SBREFA) to comment to an Ombudsman about EPA enforcement activity. This information sheet also provides information on compliance assistance available to small businesses. We have included this information sheet without making a determination whether your business is a small business as defined by Section 222 of SBREFA or related provisions.

**Opportunity for an Informational Meeting regarding the Omega Site and this De Minimis Settlement**

As previously mentioned, EPA will offer the de minimis parties the opportunity to attend an informational meeting to learn more



about the Site and the de minimis settlement offer. This meeting will be scheduled for the spring of 2004 in the Los Angeles area. In addition to the informational meeting, EPA representatives will be available on the following day at the same location to answer individual questions you may have concerning the Site. Specific information on the date and time of this meeting will be provided in the Settlement Package. The meeting is intended solely to help answer questions that de minimis parties may have about the Site and the settlement, and we encourage those companies or organizations that want to ask such questions in person to attend. The decision to participate in this voluntary meeting will be wholly up to the individual companies and organizations.

A de minimis settlement may be in your company or organization's best interest. We look forward to receiving your Primary Contact Designation Form shortly, and to keeping the person you designate apprised of further developments in this de minimis settlement process. Thank you in advance for your cooperation, which will help make this process successful for your company or organization as well as for EPA.

Sincerely yours,



Elizabeth J. Adams, Chief  
Superfund Site Cleanup Branch

cc: Thanne Cox, EPA ORC  
Karl Fingerhood, DOJ  
Linda Ketellapper, EPA  
Chris Lichens, EPA RPM

Attachments:

Attachment A - Manifest Summary

Enclosures:

- Primary Contact Designation Form. Please complete and return this form **within 10 days** of your receipt of this letter.
- U.S. EPA Fact Sheet: "Omega Chemical Superfund Site Update"
- List of Recipients
- Information Sheet, U.S. EPA Small Business Resources

**Attachment A - Manifest Summary**

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generator_name	CONTINENTAL HEAT TREATING
lc_name:	CONTINENTAL HEAT TREATING, INC.
lc_calc_volume:	7.9022    tons

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manifest_number	manifest_quantity_ton
89511429	1.8348 tons
89511442	2.085 tons
89511496	2.52285 tons
91016340	1.4595 tons

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**PRIMARY CONTACT DESIGNATION FORM**  
**Continental Heat Treating, Inc. for Continental Heat Treating**  
**PLEASE COMPLETE AND RETURN THIS FORM WITHIN TEN CALENDAR DAYS OF RECEIPT**

Please complete this form by printing or typing the requested information. If any of the information provided on this form changes after submission of the form including, but not limited to, changes in corporate relationships, please notify EPA at the address listed below as soon as possible. Please note that the phrase "your company or organization" has the same meaning as in the General Notice Letter. Thank you for your cooperation.

1. **Please provide the following information** for the one person who will be the above-named company's or organization's contact for all future communications (including correspondence, informational mailings, etc.) from EPA regarding the Omega *de minimis* settlement process. Your company or organization may designate a legal or other representative as the primary contact. Please enter "N/A" if the requested information is not applicable to your company or organization.

Company/Organization Name:  
(if different from above):

Name of Designated Contact :

Contact's Title:

Contact's Firm Name:

Street Address:

City, State & Zip:

Telephone Number:

Fax Number:

E-mail Address:

2. **Other information:**

Company/Organization

Web-site Address:

Law/Consulting Firm Name (if  
applicable):

3. **If you believe your company or organization has been notified in error, please check one of the following:**

- ☐ Your company or organization has never had any connection whatsoever to the named company or organization.  
☐ Other (please explain below; attach an additional sheet if necessary):

Name and address of the company or organization you believe should have been named, if any:

4.. **Printed Name and Signature of Person Completing This Form**

Printed Name

Title

Company/Organization

Signature

Date:

5. **Please use the enclosed pre-addressed and postage-paid envelope to return this form to:**

Linda Ketellapper, Case Developer  
Mail Code SFD-7-B, U.S. Environmental Protection Agency  
75 Hawthorne St., San Francisco, CA 94105



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

1/30/2004

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **640808368865**. Our records reflect the following information.

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**Delivery Information:**

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**Signed For By:** D.GRAMS



**Delivery Location:** 10643 NORWALK

**Delivery Date:** October 29, 2003

**Delivery Time:** 1207

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**Shipping Information:**

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**Tracking No:** 640808368865

**Ship Date:** October 28, 2003

**Recipient:**

JAMES G. STULL, PRESIDENT  
CONTINENTAL HEAT TREATING, INC  
10643 NORWALK BOULEVARD  
SANTA FE SPRINGS, CA 90670  
US

**Shipper:**

SAIC  
SAIC  
1404 FRANKLIN ST FL 6  
OAKLAND, CA 946123210  
US

**Shipment Reference Information:**

06-5026-01-0506-000

Thank you for choosing FedEx Express. We look forward to working with you in the future.

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Reference No.: R2004013000110273642